

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEPHEN NUNO VITORINO,

Plaintiff,

v.

No.: 3:14-cv-18-HSM-CCS

SEVIER COUNTY JAIL, et al.,

Defendants.

**MEMORANDUM**

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983. Plaintiff is an inmate in the Sevier County Jail, who alleged that he is Muslim and is being denied a pork-free diet. As defendants, plaintiff named the Sevier County Jail and the Sevier County Sheriff's Department, as well as four individual jail employees. The Court noted that the Sevier County Jail and the Sevier County Sheriff's Department are not suable entities within the meaning of 42 U.S.C. § 1983 and they were dismissed from this action. The Court also noted that, although plaintiff listed four individual jail employees as defendants, he did not state which of those individuals were responsible for denying him a pork-free diet. For that reason, plaintiff was given the opportunity to amend his complaint to state exactly how his constitutional rights were violated and the specific defendant or defendants who violated his constitutional rights. Plaintiff was advised that failure to amend his complaint would result

in the complaint being dismissed for failure to state a claim and for failure to prosecute and to follow the orders of this Court.

In response, plaintiff has filed a pleading in which he lists the names and titles of numerous individuals. He does not, however, state what part any of the individuals have played in the denial of his constitutional rights. Accordingly, the complaint as amended fails to state a claim for relief under § 1983.

Although this Court is mindful that a *pro se* complaint is to be liberally construed, *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), it is quite clear that the plaintiff has not alleged the deprivation of any constitutionally protected right, privilege or immunity, and, therefore, the Court finds his claims to be frivolous under 28 U.S.C. §§ 1915(e) and 1915A. It appears beyond doubt that plaintiff can prove no set of facts which would entitle him to relief, *Malone v. Colyer*, 710 F.2d 258 (6th Cir. 1983), and that plaintiff's claim lacks an arguable basis in law and fact, *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Therefore, this action is **DISMISSED** *sua sponte*, as frivolous and for failure to state a claim upon which relief can be granted under § 1983. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE